

**RECEIVED
CENTRAL FAX CENTER**

FEB 17 2004

facsimile transmittal

OFFICIAL

To: Tom P. Duong

Fax: (703) 872-9306

From: Gary R. Lister

Date: 02/17/04

Re: Final Action

Pages: 15 pages not including cover

IN THE UNITED STATES PATENT OFFICE

RECEIVED
CENTRAL FAX CENTER

FEB 17 2004

In re the Application of:

Lister, Gary

Application No. 10/019,435

Examiner: Tom P Duong

Art Unit; 3711

FOR: PUTTING ALIGNMENT SYSTEM

OFFICIAL

Commissioner for Patents

PO Box 1450

Patents Directorate

Alexander Virginia

22313 - 1415

Dear Tom P Duong:

In response to the Office Action Summary - Final Action:

It is my understanding that an invention must have three basic criteria for patentability, which are: novelty, utility and ingenuity. First the invention must be new. Second it must be useful (functional and operational). Finally, it must show inventive ingenuity and not be obvious to someone skilled in that area; in fact the invention must elicit a "why-didn't-I-think-of-that" reaction from other designers in the field.

Tom you provide the following a quotation of 35 U.S.C.103(a) which forms the basis for all obviousness rejections set for in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would be obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

In support of my patent application I provide the following information that shows my invention is not obvious to a person skilled in the art. My invention created a way of guaranteeing a golfer has his eyes perpendicular over the center-line of the putter head every time they line up a putt, which is considered to be the correct position when putting. You can not achieve the correct putting position using the Pelz's system. You state that because of Pelz's patent my invention would be obvious. I disagree with that because it has been 34 years since Pelz

patent and what you say is obvious has yet to be designed. I refer you to the attached articles written by some of the most knowledgeable people in golf to explain the proper eye positioned over a putt:

1. Tom Watson with Nick Seitz Golf Digest November 1990;
2. Dave Pelz "How to pick a putter" Golf magazine May 1995;
3. Dave Pelz "The fundamental of Putting" Golf Magazine June 1995;
4. Dave Pelz "Dave Pelz's Putting Bible" pages 66, 67, 264, 265, 369
5. Tiger Woods "How I play golf" 2001 pages 28, 29

The question arises how can you solve the problem of insuring a golfer gets their eyes in the right position while putting? It appears that no one has figured out how to build a putter alignment system that puts the golfer's eyes in the proper putting position every time, but me. If Pelz's patent solved this problem in 1970 why is everyone still trying in the year 2004 to solve this same problem. In fact, Pelz's later research proves Pelz's patented putter alignment is wrong. On the Golf Channel Dec 16, 04 Pelz was showing how to line up a putter with a piece of string stretched above the ground so you could line up the putter's center-line to the hole. Why would he not align it to a line on the heel of the club?

I believe my invention has solved one of the fundamental problems in putting. Maybe what I have invented is not as obvious as it appears even for people skilled in the art. That which is obvious is difficult to perceive, because it's too simple. Now that I have pointed it out it becomes obvious to the point where people can say "why-didn't-I-think-of-that. Given the above information it becomes quite obvious that what Pelz patented in 1970 is not the same as what I am applying to do. In fact, in Pelz's patent he applies his system to golf irons and woods. Any one who knows the rules of golf knows you can not attach a golf shaft to the toe of an iron or wood. If you did, you have a non-conforming club making it illegal to use in golf, which would give it no utility. Also, when reading Pelz's patent you will understand that he uses a multitude of lines to locate ones body to his clubs. This is done to compensate for different heights of golfers. A taller golfer would use a different line on the shaft than a shorter golfer. My alignment system does not differentiate for the golfer's height. The reason I did this is because I want all golfers to have their eyes and not their body directly over the putter and not at some angle relative to some line on a putter head. To achieve this only one spot on the shaft that is perpendicular to the center mark on the putter head can be used.

5

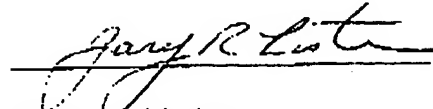
No new material has been added.

Favourable re-consideration is respectfully solicited.

Respectfully submitted

Date: February 16, 2004

By:


Gary R Lister